

Saguache County Board of Commissioners met in regular session
Tuesday, February 19, 2008 with the following present:

Sam Pace, Chairman
Linda Joseph, Vice Chairman
Mike Spearman, Commissioner
Ben Gibbons, County Attorney
Wendi Maez, Co-Administrator
Lyn Zimmer, Co-Administrator
Melinda Myers, Secretary and Clerk to the Board
Meg Krutzler, Secretary in training

Meeting called to order by Chairman Pace at 9:07 A.M.

Under Additions or Deletions to the Agenda:

1. Added JR Fulmer – 1/6 Vulcan Mining Claim to Land Use
2. Delete Karen Hoffer
3. Add Executive session for personnel review.

Joseph moved to approve the agenda as amended. Spearman seconded the motion. The vote was three Ayes.

Reading and approval of minutes:

Spearman moved to approve the minutes of February 5, 2008 as amended. Joseph seconded motion. The vote was three ayes.

Joseph moved to approve the minutes of February 12, 2008 as amended. Spearman seconded motion. The vote was three ayes.

Review of Mail:

1. **Colorado Department of Transportation** sent a Public Hearing Notice regarding FY2008-FY2013 Draft Statewide Transportation Improvement Program (STIP). The hearing will be held on February 21, 2008 from 10:00-11:00 a.m. at the CDOT Headquarters Auditorium in Denver. The deadline for written comments or to RSVP is Monday, February 18, 2008. (2/19/08)

Joseph moved to send a letter of support for the changes in the Energy and Mineral Impact Grant Program parameters. Spearman seconded motion. The vote was three ayes.

2. **Susan E. Kirkpatrick**, Executive Director State of Colorado Department of Local Affairs sent a letter asking for feedback on DOLA's proposed modifications to the Energy and Mineral Impact Grant Program parameters.

Feedback needs to be faxed or to Ms Kirkpatrick or emailed to Tony Hernandez by February 22, 2008 (02/12/08)

3. **The Board of Directors of the Colorado River Water Conservation District** will have Special Joint Meeting by telephone conference on February 14, 2008 at 12:00 noon. (2/12/08)
4. **Connie Pleasant**, Assistant Secretary for The Rio Grande Water Users Association sent an invitation to interested individuals to meet the new State Water Engineer, Dick Wolfe on Tuesday, February 19, 2008 at 1:00 p.m. in the Monte Vista Coop Hospitality Room. (2/13/08)
5. **Jerrilyn. Wueste**, Chairman Colorado Field Institute, sent a letter of thanks to the Board for their Business Membership for 2008. The Membership year is from January 1 through December 31. (2/13/08)
6. **David A. Bailey**, Carver Schwarz McNab & Bailey, LLC, sent a Verified Application for an Extension of Time in which to Commence Drilling Operations on Previously Approved Permits to Drill, which was recently filed by Lexam Explorations (U.S.A.) Inc. with the Colorado Oil and Gas Conservation Commission. (2/14/08)

Discussion on how to respond to the COGCC on Lexam's variance request, and other clarifications needed from COGCC on the Lexam permits. The County's request to COGCC had been that further action on the #7 well permits and renewal on well #5(6) not be acted on by COGCC, until the NEPA process for the Refuge is complete. The response from COGCC staff - Tricia Beaver, on behalf of David Neslin - said there would be no action on well#7, only until the Environmental Assessment process is complete, rather than the NEPA process. And, there was no response as to the renewal of the previously well permits, which expire in April, and for which COGCC now has the variance request from Lexam. Attorney Gibbons will draft response letters and forward them to Maez.

7. **The Upper Gunnison River Water Conservancy District** sent an Agenda for a Regular Meeting to be held on Monday, February 25, 2008 at 6:30 pm. (02/15/08)
8. **John Kreiner**, Executive Director of Blue Peaks Developmental Services, Inc. sent an invitation to a public forum to be held on February 28, 2008 at 2:00 p.m. in Alamosa. Comments, suggestions and participation are important to develop a plan which is as community based as possible. (2/15/08)
9. **San Luis Valley Rural Electric Cooperative** sent an invitation to a meeting concerning global warming that will be held on March 4th, 2008 at 4:00 p.m. at the San Luis Valley Rural Electric Cooperative. A light supper will be provided. (2/15/08)
10. **The Gunnison Conservation District** will have a Dinner and Program on Friday, February 29, 2008 starting at 6:00 p.m. with Social Hour. Reservations and payment are due February 21. (2/15/08)

Introduction of Guests: Doug Larsen – Crestone Eagle; J.R. and Lorin Fulmer; Jarrod Helmick and Chella Colman – Housing.

Commissioners' Reports-Updates of Meetings:

Linda Joseph reported:

- February 13 - Sage Grouse Strategic Committee meeting cancelled. Information was forwarded re: the Federal Register notice regarding initiation of the status review for the Gunnison's Prairie Dog, and a press release on an Antler Shed Hunter Club.
- February 14 - Attended Master Plan Advisory Council potluck and meeting. Emailed Dave Michaelson copies of the COGCC conditions on Lexam well #7, and USFWS EA, as requested.
- February 15 - Attended Museum Board meeting. Plans are underway for the 50th annual museum opening on Memorial weekend, with the theme "Good as Gold". ScSEED will again partner with the Museum and host the 8th annual Ranching Celebration.
- Met at the Library with Penny Bruce and Carla Mondragon, to discuss library activities and fundraising. Need to discuss channeling of Friends of the Library through the County with Lyn Zimmer – scheduled for Feb. 21.
- February 16 - Responded to requests for information by those bidding on County webmaster/host positions, for bids due Monday, Feb 18.
- February 17-18 - Compiled Dept. Head input for County Maintenance Supervisor annual evaluation.
- February 19 - Attended BOCC Work Session to discuss response to the USFWS Environmental Assessment. Compiled key points toward a draft response.

Sam Pace reported:

- Attended a presentation – Q& A for the Baca Wildlife Refuge with F&W, Lexam and the EA preparers.
- February 14 – Attended the Valley Wide Transit meeting in Alamosa presentation by NECALG on a similar area and system. Decision to move forward to the next smaller meeting to work on details. Key component is county financial commitment.
- February 14 - Attended the County Master Plan meeting in Saguache in the evening. It went well. Results of key pad polling from previous meeting and discussion and comments on the mapping.
- February 15 - Attended Steering committee meetings at CCI in Denver. HB1069 dealing with motorized vehicles on Public Lands is back on track. A lot of bills are out of one chamber into the other waiting on action. HB1161 and HB1165 dealing with mining and local control are still being worked on, hopefully will get done with some teeth left. Took a support position on HB1222 which will bring pumped hydroelectric and low impact hydroelectric into renewable energy category. Opposed HB1259 which would restrict powers of special districts. Opposed SB117, I disagreed as this will limit exorbitant fees for solar installations. Some discussion on HB1236, HB1231 and HB1325 and we decided to monitor these.
- February 18 - All Commissioners attended a work session on Baca Refuge EA.

Mike Spearman reported:

- Attended conference in Monte Vista topic discussed with District Water Engineer

- was that the SLV has a higher water % this year. When we do have higher % than normal, water is needed elsewhere. This year the snow pack is almost at 200% of normal; actual % to be compiled after March rains. Even if it doesn't snow anymore this year we are still above normal. Sub districts hearings coming up. Some oppose proposals of water distribution. Also tri-state presentation; transmission lines coming into county soon. Need more lines if SLV continues to grow. Senator Salazar supports solar growth to utilize solar farms. Need bigger transmission lines. Bio-diesel project in Durango presented.
- February 18 - Attended County Master Plan meeting, things are moving forward. Next scheduled meeting March 06 and 07.

Joseph moved to approve Administration's contract for services and maintenance for 2008 WSB computer services. Spearman seconded the motion. The vote was three Ayes.

Lynn Zimmer and Wendi Maez - CO-Administrators:

- Contract for services and maintenance for 2008 with WSB computer service to be approved.
- Web Site bids
 - a. WSB – In speaking with Kenny from WSB computer systems, this bid is for this year, and in 2009 our regular contract would cover the website upkeep as well.
 - b. Striheck Design – received 2/18 – sent proposal to each commissioner and Chair of Tourism Council, Melinda Myers.

Spearman motioned to approve resolution to transfer money from the General Fund to the Library Fund. Pace seconded the motion. The vote was three Ayes.

- Resolution to transfer funds (\$60,000) from General Fund to the Nursing Fund to offset expenses. Cash with Treasurer for the Nursing Fund is very low. Zimmer has received an email from SCN Director Newsom stating that it will be okay. Zimmer also talked with Karen Davis at Nursing to see what it looks like as far as revenue expected. They might come out balanced, but Zimmer recommends the transfer of funds to help offset until revenue comes in on a steadier basis. Once revenue is caught up, then a transfer back into General Fund can be done.
- Rebie Hazard - discussion concerning the "Seniors" account that her mother has been handling. This was discussed during the meeting on 2/12 but Hazard was not available that day. There is \$178 and \$606 in the Saguache County Council of the Aging accounts. Pace will discuss these funds with the Valley Wide Seniors during their meeting on Thursday re: accounts and monies and who might be available to take over this position, as Hazard reported that her mother wants to step down and have someone else handle these money matters.

Break

Spearman motioned to sell 1/6 interest in the Vulcan Mining Claim for \$850 without mineral rights. Pace seconded the motion. The vote was three Ayes.

- JR and Loren Fulmer would like to purchase the 1/6 interest in the Vulcan Mining Claim, that Saguache County currently owns. The Fulmers currently own the other 5/6 in this mining claim that are located in Gunnison County. The total of the six parcels equals approximately 10 acres, with the Saguache County parcel estimated at about 2 acres. Maez reported that a standard mining claim averages ten acres. The Vulcan claim is 10.3 acres. Pace asked what their plans were for acquiring the properties and the response was for investment purposes only. Pace questioned why they wanted the two acres in Saguache County when there was reported a potential and serious environmental hazard that may be inherited with that purchase, (claim that is located above this parcel has mine tailings with possible leaching issues). Pace also questioned the actual value of the claim. Maez reports that \$825 was offered. Pace is concerned about giving up that claim for such little value when he is not sure of 'usages' of mineral rights, he further stated that selling of these mineral rights would not show good stewardship. Spearman expresses concern about mineral extraction as well. He adamantly does not want any drilling on this claim. Perhaps if the mineral rights to this parcel is retired to Saguache County, no drilling would ever be allowed, no matter who owned it. Spearman asked if we could tie these mineral rights up so that they could never be sold. Ben Gibbons suggested mulling over the interest and intent of the prospective buyers. Joseph said she wanted to look at vicinity maps of both the Saguache claims and the Gunnison claims, and to more clearly determine environmental concerns. Gibbons queried what would be the liability of the county if we did retain the mineral rights, and an environmental hazard did indeed develop. Spearman replied that the County would indeed be liable for cleanup if we did not sell the mineral rights. Pace stated he would like to view the property, but would have to wait until the weather conditions permitted, if property lines could be determined visually. Spearman indicated that all this would do is put the county on notice of a possible dangerous liability.
- Dave Baumgarten, Gunnison County Attorney and Jeff Robbins, La Plata County Attorney sent an email to all of the Local Government Designees. They are requesting a support letter for their recommendations regarding jurisdictional clarifications on oil and gas permitting. Maez will start a letter of support to send to them and let them know our letter won't be there by 8am Tuesday.

Ben Gibbons - County Attorney:

- Gibbons will not be available for March 11th meeting.
- Has prepared a letter of support to Senator Schaeffer regarding HB1165.
- Reported that Mike Blenden could not be here today to discuss the USFWS Cooperating Agency MOU for the Baca National Wildlife Refuge. A question remains on whether or not; the operator can go directly into production if O&G are found. Clarification is needed from the COGCC, as to whether Lexam must go through a new permit process for production. Ben Gibbons to draft comments for MOU negotiations with USFWS.
- Baca Refuge Environment Assessment comments: The Board discussed the USFWS

Environmental Assessment, and finds it lacks sufficient documentation as presented. The Board will work on a response letter requesting that an Environmental Impact Statement be done, to include specific areas of concern. The Board will have a work session and hear from attorney Travis Stills, a specialist in the NEPA process, on Feb. 21.

Lunch at 12:04 p.m.

Meeting reconvened at 1:06 P.M.

Randal Arredondo – Road & Bridge Supervisor:

- Water flooding issues discussed. Gibbons stated that only if flooding occurred on a county road would the county be responsible. Installing culverts would also be the responsibility of county. Randy reported he had to install a culvert and berm up a property to protect a homeowner from ice floe damage, the cost will be around \$6,000. The County is considering sending a letter with a bill to the homeowner requesting partial payment. Ground saturation is a precursor, along with abnormal snowfall this season. The owner of the water rights must clean and maintain ditches to help avoid more flooding.
- Arredondo reports a cost of \$70,000 for Rio Blanco's impact fee study re: O&G. He will continue to study steps taken by other Counties that are applicable here.

Land Fill Supervisor:

- Cash box at landfill was stolen, containing about \$100, and requiring replacement of the door.

Jeannie Norris - Social Services Director

Pace motioned to approve the Saguache County Department of Social Services Child Support Enforcement's purchase of legal service agreement. Joseph seconded the motion. The vote was three Ayes.

Pace motioned to approve the Saguache County Department of Social Services Agreement for legal services. Joseph seconded the motion. The vote was three Ayes.

- The TANF case count has once again increased from nine cases to ten active cases. There were also ten child-only cases, and forty-five med-only cases. We had 386 food stamp cases, 83 old-age-pension recipients, and 23 aid-to-the-needy disabled cases. We have begun to have Pearl Jiron from the Cheers Training Center assist in the intake portion of the TANF process, which gives Diane Romero more time to address the remainder of the contract requirement. Diane also does the food stamp caseload, as well as supervisory duties for the IV-A Unit.
- The IV-D legal technicians are enrolled in comprehensive financial training to be held in August. Upon completion of this training, they will both be able to take the last segment of child support financial work that the Director is

currently still performing. Financial statistics for the Unit will not be sent until next week, and will be included in the March report.

- Cheers/Blue Horizon report two active TANF participants and one adult basic education permitted for this group. We look forward to beginning this much-needed function.
- The LEAP Unit has paid a total of \$106,601.17 to 411 households thus far in Saguache County. Jan is attempting to spread the word that “weatherization” funding is available to qualifying households to make homes more energy efficient, thereby using less energy, after the crush of LEAP applications. As mentioned in the TANF segment, Pearl is assisting with TANF intake. As of the first of the year, an additional \$50,000 is available.
- The Child Protection Unit had 17 referrals during January, of which 13 were accepted for investigation. There are seven open adult protection cases, with two new referrals. The Unit has 53 open child protection cases. We are officially starting our Adult Protection Team, as mandated, with a presentation by the State Department on February 29 at Social Services at 9:00 AM. Tom Perkins from the field office, and Pat Stanis from the State Adult Protection Division will be with us to explain what is required as well as what is not begin to wind down, she would like to process as many of these requests as funding will allow, so that the work may be done before next year. We will have complete contact information on the website, and inquiries are welcome at DSS.
- Social Service Directors from the Valley Counties continue to pursue transit issues in order to provide transportation to those who require assistance in getting to physician’s offices, pharmacies, and simply to shop for provisions not available in their community. We are pursuing options with Alamosa Bus Company, as well as our Medicaid transportation provider, Red Willow, to provide additional service at this time. Both companies are eager to expand services, if we can fund these options.
- Insulation has been blown into the attic of the DSS Building so that it now meets R-38 standard. Not only does the heater run less, but the second floor of the building is less drafty.
- Our staff has been challenged during the severe winter of 2007-08 with greatly increased needs for response in many areas. The need has been most evident in the Child Protection Unit, as well as transportation and energy areas, which has required many extra hours and weekends from DSS staff. Norris was pleased to report that the Saguache County DSS has met the demand often with personal sacrifice. We meet regularly to “staff” issues and decide if our response was the best that it could be. One of our primary goals for the coming year is cross-training for each and every position.

Penny Bruce - Library Administrator

PROGRAMS

- Weekly story hours (Head Start) continue to be held at the school, until the weather improves. We haven’t missed a week again this year, and may match or exceed our record total of 36 programs in one school year, set last year.

- We have had the services of a volunteer liaison with the Seniors' Lunch program, and he's been refreshing the collection of materials we keep in the lunchroom.
- Work continues to be done on the annual report for the Colo. Dept. of Education.
- A plan is being discussed to form a partnership with the Saguache County Museum to host a series of joint lectures this summer with a gardening/ botany theme. We will continue to be in touch with Margaret Finnerty, a museum trustee, as well as Thad Englert, who supervises their current lecture series.
- Caroline Irwin, Saguache Town Clerk, has approached us about a cooperative program that would bring movies to town for public viewing, made possible through a licensing program for public libraries, and she will be presenting her proposal at the next meeting of the Friends of the Library.
- We regret having to turn away several patrons seeking tax advice this year, a service we have always managed to provide through community volunteers, all of whom have died or moved away now. We tell anyone who asks that the Salida library still has regularly scheduled periods of time when patrons can ask an expert their tax questions. We will be putting out a request in our next newspaper article for anyone with tax knowledge to volunteer a few hours of service at the library.

FUNDRAISING

- We have submitted another grant proposal that was brought to our attention after our meeting with Kim Smoyer. This time we are asking the Fiskars Company, makers of garden tools, for \$1800 to support our summer reading garden project.
- Donations have largely stopped coming in, in response to the letter we mailed in October. We plan to propose at the Friends meeting that another batch of letters be sent to the property owners that we omitted last time, i.e., those county residents who own properties with less than 1,000 sq.ft.
- We also want to propose organizing a benefit to raise money for the library, after witnessing the success of a recent event to support the Crestone Charter School. We do have a source of entertainment ready to volunteer.
- By the time the Commissioners meet in March, we hope to have submitted our second Sales Tax Revenue grant proposal, which is in the editing process now.
- We recently received some information about a company that buys used books, Book Prospector. If they will give us more than 50 cents per book, their service could prove more lucrative than our never-ending book sale, and might help us move out some of the books that never sell.

FRIENDS OF THE LIBRARY:

- The group will be meeting on Feb.25 with much to discuss, including the above-mentioned fund-raising ideas, a presentation by Caroline Irwin, and plans for a possible candidates' forum, to determine the positions of those running for County Commissioner when it comes to supporting the library.

BOOK CLUB:

- Only a few members showed up for our February meeting last Sunday, but we hope for improved attendance at the next meeting, Mar.16, when we'll be discussing Fahrenheit 451. Plans are also underway for the group to attend the

performance of the play based on this book, which the Adams State drama department is staging the first week in April.

Break

Spearman moved to convene the Housing Board at 2:46 P.M. Joseph seconded. The vote was three Ayes.

Spearman moved to adjourn the Housing Board and return to regular meeting at 3:14 P.M. Pace seconded. The vote was three Ayes.

Chella Coleman - Housing Director

Le Ann Lovato – Rocky Mountain SER - **to be rescheduled for a future meeting.**

Karen Hoffner – SLV Fair Board - **to be rescheduled for a future meeting.**

Bill Paying

Joseph moved to adjourn at 5:15P.M. Spearman seconded. The vote was three Ayes.

Respectfully Submitted,
Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved March 4, 2008

Chairman of the Board

Attest

Commissioner

Commissioner